

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 20, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRYAN PAUL HERNANDEZ (*also*
known as Selene Violet Henderson),
Plaintiff,
v.

JAY INSLEE,
Defendant.

No. 2:24-CV-00380-SAB

**ORDER DENYING MOTION FOR
REVISION OR TO ALTER
JUDGMENT**

Before the Court is Plaintiff's *pro se* Motion for Revision or to Alter or Amend the Judgment. ECF No. 4. On November 8, 2024, the Court remanded this action to state court pursuant to 28 U.S.C. § 1447(c). ECF No. 3. The Court found it lacked jurisdiction over Plaintiff's removal request regarding state court rulings concerning Plaintiff's civil detention. *Id.*

On November 20, 2024, Plaintiff filed the present motion, a single page document to which is attached a state superior court document titled, "Order Denying Motion to Declare Statute Unconstitutional" and documents Plaintiff apparently filed in the Spokane County Superior Court proceeding. ECF No. 4. On November 25, 2024, Plaintiff filed a Notice of Appeal to the Ninth Circuit Court of Appeals. ECF No. 5. On December 18, 2024, the Ninth Circuit Court of Appeals

1 dismissed the appeal for lack of jurisdiction. *See* ECF No. 7. The present motion
2 was considered without oral argument on the date signed below.

3 A motion for reconsideration may be reviewed under either Federal Rule of
4 Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief
5 from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d
6 1255, 1262 (9th Cir. 1993). “A district court may properly reconsider its decision if
7 it ‘(1) is presented with newly discovered evidence, (2) committed clear error or
8 the initial decision was manifestly unjust, or (3) if there is an intervening change in
9 controlling law.’” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir.
10 2013) (*quoting School Dist. No. 1J, Multnomah Cnty., Or.*, 5 F.3d at 1263).
11 “There may also be other, highly unusual, circumstances warranting
12 reconsideration.” *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263.

13 Plaintiff has presented no new facts, information, or newly discovered
14 evidence for the Court to consider in evaluating the request for
15 revision/reconsideration. *See id.* Plaintiff has not shown that the Court committed
16 clear error or that the Court’s Order, ECF No. 3, was manifestly unjust.
17 Furthermore, there has been no intervening change in controlling law and there are
18 no other circumstances warranting reconsideration. *See School Dist. No. 1J*
19 *Multnomah Cnty., Or.*, 5 F.3d at 1263.

20 Plaintiff offers no basis for the proper removal of Plaintiff’s state court civil
21 detention proceeding to this Court. Plaintiff appears to contend that because past
22 state court rulings do not favor Plaintiff’s position, Plaintiff has a right to remove
23 the civil detention proceedings to a federal district court. ECF No. 4. Plaintiff is
24 mistaken. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462
25 (1983) (holding that federal district courts may not exercise appellate jurisdiction
26 over state court decisions); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923). Any
27 challenges to state court rulings must proceed through the appropriate state
28 appellate channels to the U.S. Supreme Court.

1 For the reasons set forth above and in the Order to Remand, ECF No. 3, the
2 present motion is denied.

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. Plaintiff's Motion for Revision or to Alter or Amend Judgment, ECF No.
5 4, is **DENIED**.
6 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of
7 this Order would not be taken in good faith.

8 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
9 and provide a copy to Plaintiff. The file shall remain closed.

10 **DATED** this 20th day of December 2024.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

16 Stanley A. Bastian
17 Chief United States District Judge
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